

TITLE 3 – BUILDING REGULATIONS

CHAPTER 3-1 - BUILDING CODE

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CHAPTER 3-3 - UNIFORM BUILDING CODE

CHAPTER 3-1 BUILDING CODE

3-1-1 General

The provisions of the adopted building code of Mobridge as amended shall be controlling in the construction of all buildings and other structures within the corporate limits of the City. The building permit fee shall be \$10.00 for structures that will cost \$1.00 to \$1,000.00 to complete; and for any structure costing more than \$1,000.00, the additional cost will be \$1.00 per \$1,000.00 of structure or improvement cost.

That all other provisions of said Section 303 (a) of the Uniform Building Code and amendments shall remain in full force and effect, including the provision that where work for which a permit is required by this Code is started and proceeded with prior to obtaining said permit, the fee specified by the resolution shall be doubled, but the payment of such double fee shall not relieve any persons from fully complying with the requirements of this Code and the execution of the work, nor from any other penalties prescribed herein.

The City Council shall have power to grant exceptions and variances from the Uniform Building Code, Uniform Fire Code and Life Safety Code as adopted when the application for permit is for alteration, remodeling, repairing, or building additions to existing structures or when strict compliance will work an extreme hardship on the applicant. Power to approve an exception or variance shall be upon public hearing prior to approval. Public notice of said hearing shall be given to at least one publication in the official city newspaper not less than one week prior to said hearing and by mailing a copy of said notice to the record owners of all property, lying within 300 feet if within the city limits, or one half mile if within the three mile jurisdiction, not less than one week prior to the hearing. Such notice shall state the variance requested, and the date, time and place the hearing will be held.

Wherever the word "Municipality" is used in the building code, it shall be held to mean the City of Mobridge.

Wherever the term "Corporation Counsel" is used in the building code, it shall be held to mean the Attorney for the City of Mobridge.

Nothing in this chapter or in the code hereby adopted shall be construed to affect any suit or proceeding now pending any court, or any rights acquired, or liability incurred, nor any cause or causes of action accrued or existing under any act or ordinance repealed hereby. Nor shall any right or remedy of any character be lost, impaired or affected by this chapter.

The invalidity of any section or provision of this chapter or of the code hereby adopted shall not invalidate other sections or provisions thereof.

Any Ordinance or parts thereof in force at the time that this Ordinance shall take effect and inconsistent herewith, are hereby repealed.

3-1-2 Zoning Officer

The Zoning Officer shall be appointed by the City Council. He or she shall be an official or employee of the City, who shall assume the duties of building official in addition to his or her other duties. His or her appointment shall continue during good behavior and satisfactory service. He or she shall be subject to provisions set forth in the city employee manual.

During temporary absence or disability of the Building and Zoning Official, the appointing authority shall designate an acting Building and Zoning Official.

3-1-3 Duties of a Zoning Officer

It shall be the duty of the Zoning Officer to enforce all laws relating to the zoning construction, alteration, removal, and demolition of all buildings and structures, including but not limited to fences and sidewalks.

3-1-4 Application for Permits

Application for all permits required by the building code shall be first submitted to the Zoning Officer, who shall endorse thereon his or her approval or disapproval thereof and shall submit such application to the City Council for final action, and their action in approving or disapproving any such building application shall be final.

3-1-5 Right of Entry

The Zoning Officer, in the discharge of his or her official duties, and upon proper identification, shall have authority to enter any building, structure or premises at any reasonable time.

3-1-6 Fire Limits Construction Established

The fire limits of the City embrace all of the area within the business, light industrial and heavy industrial districts as defined by the Zoning Ordinance of the City of Mobridge, South Dakota, No. 486, as amended, and as may be further amended from time to time.

3-2 DESIGN-BUILD PROCUREMENT

3-2-1 Purpose

Pursuant to SDCL Title 5, effective July 1, 1998, the following procedures are established for the solicitation and award of design-build contracts. (1999 ORD 756)

3-2-2 Definitions

For purposes of this procedure the definitions in SDCL Title 5, and the following definitions apply:

(1) "City" means the City of Mobridge

(2) "Firm" means any individual, firm, partnership, corporation, association, joint venture or other legal entity permitted by law to practice engineering, architecture and construction contracting in the City of Mobridge.

(3) "Project" means the project described in the public announcement. (1999 ORD 756)

3-2-3 Minimum Qualification Requirements for Firms Providing Design-Building Services

The design-builder shall be duly registered with the South Dakota Secretary of State and the Department of Revenue and, where required by state or federal law, shall be able to provide design or construction services by duly licensed or registered individuals. (1999 ORD 756)

3-2-4 Utilization of Design-Build

The determination to utilize design-build shall follow specifications set forth in SDCL 5-18-26(2). (1999 ORD 756)

3-2-5 Public Announcement Procedures

Except in Emergency situations, the City shall publish an announcement in the city's official newspaper in accordance with SDCL 5-18-3, setting forth a general description of the project requiring design-build services and defining the time frame and procedures for interested qualified firms to apply for consideration. The public announcement shall further state whether design-builders will be prequalified for the project in accordance with SDCL 5-18-37. (1999ORD756)

3-2-6 Technical Review Committee

There shall be a Technical Review Committee comprised of the Mayor, Zoning Officer, Water and Waste Water Superintendent and the Chairperson of the Major Organizational Unit sponsoring the project.

The Technical Review committee shall determine the most qualified proposers as provided in Section 3-2-7 and rate and score Qualitative Proposals as provided in Section 3-2-9. (1999ORD756)

3-2-7 Prequalification of Design-Builders

(1) The City may prequalify design-builders.

(2) The City may issue a Request for Qualifications (“RFQ”) by advertisement in accordance with SDCL 5-18-3. The RFQ shall contain a general description of the project; a description of the areas of qualification requirement for performance of the work, such as experience, management resources and financial capability; the basis upon which the most qualified offerors will be determined; and any other requirements for the submittal of statements of qualifications. Firms desiring to submit proposals on the design-builder project shall submit a statement of qualifications setting forth the qualifications of the entities involved in the firm and providing any other information required by the RFQ.

(3) The Technical Review Committee shall determine the relative ability of each firm to perform the services required for each project. Determination of ability shall be based upon experience with comparable projects; financial and bonding capacity; managerial resources; the abilities of the professional personnel; past performance for the City; capacity to meet time and budget requirements; knowledge of local or regional conditions; recent, current and project workload of the firms; and the ability of the design and construction teams to complete the work in a timely and satisfactory manner.

(4) The Technical Review Committee shall select not more than five firms deemed to be most highly qualified to perform the required services, after considering the factors in (2) and (3) above. An RFQ shall be issued to those firms selected. (1999ORD756)

3-2-8 Performance Criteria Package and Request for Proposals

(1) A performance criteria package shall be prepared by the City, using a registered architect or engineer either on staff of the City or selected in accordance with procedures employed for selecting design firms. When a project is exempted from the provisions of SDCL 36-18, the criteria developer need not be registered. The design criteria package may include, but not be limited to, site survey; material quality standards; programmatic space needs; conceptual design criteria; design and construction schedules; site development requirements; stipulation of responsibilities for permits and connections to utilities, storm water and roads; stipulation of responsibility for meeting environmental regulations and growth management requirements; soil borings and geotechnical information, performance specifications; and a statement of required compliance with codes and general technical specifications.

(2) The purpose of the performance criteria package is to furnish sufficient information for firms to prepare qualitative proposals and price proposals. The firm to whom the design-build contract is awarded shall develop a detailed project design based on the criteria in the performance criteria package and for construction of the facility in compliance with the performance criteria package.

(3) The Request for Proposals (“RFP”) shall consist of: the performance criteria package, instructions to bidders, bid proposal forms, provisions for contracts, general and special conditions, and basis for evaluation of proposals. (1999 ORD 756)

3-2-9 Competitive Selection of Design-Build Services

(1) A Qualitative and a Price Proposal shall be submitted by each firm submitting proposals. In the case of prequalification such proposals shall only be accepted from prequalified firms. Price proposals shall include one lump sum cost for all design, and construction of the proposed project, preliminary design documents and other data requested in response to the RFP. Proposals shall be segmented into two packages:

(a) Qualitative Proposal. A qualitative proposal shall include preliminary design drawings, outline specifications,

technical reports, calculations, permit requirements, management plan, schedule and other data requested in response to the RFP.

(b) Price Proposal. The price proposal shall be submitted in a separate sealed package. The package shall indicate clearly that it is the price proposal and shall identify clearly the firm's name, project description, or any other information required by submission of proposals. The price proposal shall be secured until the time provided in Section 10, paragraph (1).

(2) The Technical Review Committee shall review the design concepts, preliminary designs and technical data proposed by each firm and shall establish a rating for each firm's proposal based upon criteria to be established by the Technical Review Committee for the project.

(3) The Technical Review Committee then will total and submit the qualitative scores for each firm to the Finance Officer. The maximum qualitative score is 1.0. (1999 ORD 756)

3-2-10 Selection and Award for Design-Build Services

(1) The Finance Officer shall set a date for publicly opening the price proposals, and shall notify all firms submitting price proposals at least seven days prior to the opening date. The notification shall include the date, time and place of the opening of price proposals and date for award of the project.

(2) The Finance Officer shall publicly open the sealed price proposals and divide each firm's proposed price by the qualitative score given by the Technical Review Committee to obtain an "adjusted price." The firm whose adjusted price is lowest.

(3) In lieu of requiring Qualitative and Price Proposals, the City may establish a fixed dollar budget for the design-build project in the RFP, and require only Qualitative Proposals, price being fixed for all proposers. In this approach, award is made to the proposal receiving the highest qualitative score.

(4) Unless all proposals are rejected, the Finance Officer will recommend approval of an award to the firm with the lowest adjusted price. The City shall give written notice to the design-builder who submitted the accepted proposal. All other design-builders shall be informed in writing that their proposals were not accepted. The City reserves the right to reject all proposals.

(5) The City shall enter into a contract with the firm selected. At the time of the award, the City may negotiate minor changes for the purpose of clarifying the design criteria and work to be done, provided that the negotiated changes do not affect the ranking of the proposals based on their adjusted scores. (1999ORD756)

3-2-11 Protests

Any proposer may protest an award in accordance with the procedures in Executive Order 98-13 (Bid Protest Procedures). (1999ORD756)

3-2-12 Confidential Information

The City will make reasonable efforts to maintain the secrecy and confidentiality of any proposal and all information contained in any proposal may not disclose any of any proposal and all information contained in a proposal to the design/Builder's competitors. To the extent permitted by the provisions of SDCL Chapter 1-25, the City will not disclose confidential and

proprietary information contained in any proposal to the public until such time as the City takes final action to accept a proposal. (1999ORD756)

3-2-13 Emergency Purchases

A design/build contract may be awarded in an emergency without advertising pursuant to SDCL 5-18. (1999ORD756)

CHAPTER 3-3 UNIFORM BUILDING CODE; UNIFORM BUILDING CODE STANDARDS; and UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS

3-3-1 GENERAL

Section 1: That certain documents are on file and are open for inspection of the public in the Office of the City Finance Officer of the City of Mobridge, being marked and designated as:

Uniform Building Code, 1997 Edition, published by the International Conference of Building Officials, including the generic fire-resistive assemblies listed in the fire resistance Design Manual, Twelfth Edition, dated August 1988, published by Gypsum association as referenced in tables Nos.43-A, 43-B and 43-C (also reference Appendix Chapter 35, if adopted) of the specified Uniform Building Code, including Appendix Chapters, and all amendments thereto.

Uniform Building Code Standards, 1997 Edition, published by the International Conference of Building Officials, including (i) Structural Welding Code- Reinforcing Steel, ANSI/AWS D1.4-79 (U.B.C. Standard No. 26-8); (ii) Structural Welding Code-Steel, ANSI/AWS D1.1-90 (U.B.C. Standard No. 27-6); (iii) Structural Welding Code - Sheet Steel, ANSI/AWS D1.3-81 (U.B.C. Standard No. 27-13) published by the American Welding Society, Inc.; and (iv) Standard For Buildings and Facilities-Providing Accessibility and Usability for Physically Handicapped People, A117.1-1986 (U.B.C. Standard No. 31-1) published by the American National Standards Institute, as modified or amended in the Uniform Building Code Standards referenced herein.

Uniform Building Code for the Abatement of Dangerous Buildings, 1997 Edition, published by the International Conference of Building Officials, and all amendments thereto be, and the same are hereby adopted as the Code of the City of Mobridge for regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings or structures in the City of Mobridge providing for issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, conditions and terms of such *Uniform Building Code, 1997 Edition*, and *Uniform Building Code of Standards, 1997 Edition*, published by the International Conference of Building Officials, and the secondary publications referenced above, all of which are on file in the Office of the City Finance Officer of the City of Mobridge, are hereby referred to, adopted and made a part hereof as if fully set out in this ordinance. (2001ORD780) (1999ORD760)

Section 2: It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or cause or permit the same to be done in violation of this code.

Section 3: That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance, and each section, subsection, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clause and phrases be declared unconstitutional.

Section 4: That the City Finance Officer of the City of Mobridge is hereby ordered and directed to cause this ordinance to be published.

Section 5: That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect from and after the date of its final passage and adoption.
(1999ORD760)